

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claim 27 and 28, claims 29 to 36, 38, 39, and 49 to 58 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Objection to the Drawings**

The drawings were objected to under 37 C.F.R. § 1.83(a). The Office Action at page 3 states that "the claimed subject matter of 'at least one further heat exchanger associated with the container' must be shown or the feature(s) canceled from the claims 29 and 49."

It is respectfully submitted that this feature is shown by reference numeral 10, e.g. in Figure 1, because the Specification at page 3, lines 17 to 19 states that "it is within the scope of the present invention to include any number of air movers 12 with any number of evaporators 10." Therefore, withdrawal of this objection to the drawings is respectfully requested.

### **III. Double Patenting Rejection of Claims 27 to 34, and 49 to 54**

Claims 27 to 34, and 49 to 54 were rejected on the grounds of non-statutory obviousness-type double patenting. Claims 27 and 28 have been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claims 27 and 28. As regards the double patenting rejection as to claims 29 to 34 and 49 to 54, while Applicant does not necessarily agree with the merits of this rejection, to facilitate matters, Applicant is prepared to file a terminal disclaimer upon withdrawal of all other rejections and an indication that the present application is otherwise in condition for allowance.

### **IV. Allowable Subject Matter**

Applicants note with appreciate the indication of allowable subject matter included in claims 36, 38, 39, and 56 to 58. In this regard, the Examiner will note that each of claims 36 and 56 has been rewritten herein in independent form to include all of the features of its respective base claim and any intervening claims. As

such, it is respectfully submitted that claims 36 and 56 are in condition for immediate allowance.

As for claims 38 and 39, which depend from claim 36 and therefore include all of the features included in claim 36, and claims 57 and 58, which depend from claim 56 and therefore include all of the features included in claim 56, it is respectfully submitted that these dependent claims are also in condition for immediate allowance for at least the same reasons provided above.

**V. Rejection of Claims 27 to 35, and 49 to 55 Under 35 U.S.C. § 102(b)**

Claims 27 to 35, and 49 to 55 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,756,026 ("Myrent et al.").

Claims 27 and 28 have been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claims 27 and 28.

Claims 29 to 35, and 49 to 55 have been amended herein without prejudice to depend from claims 36 and 56, respectively, as presented, thereby obviating the present rejection with respect to claims 29 to 35, and 49 to 55. As more fully set forth above, since claims 36 and 56, as presented, are allowable, dependent claims 29 to 35, and 49 to 55 are allowable for at least the same reasons as claims 36 and 56, as presented.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**VI. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed; an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date: October 2, 2008

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